

Previous references.

(1923 .
courts)

File No. 90-23

Serial Nos. 1-3

Later references.

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3

Part B for November 1923.

SUBJECT

R.A. Subject no 51 of June 1923. Re the circular -
drawn of the Chief Court circular regarding partic-
ulars to be mentioned in the list of witnesses in
criminal cases committed to Court of Sessions.

NO P. 27 21 & 21-11-23

to the Dy Commr Mysore.

States that the Chief Court have with-
drawn the circular and that the member with-
noted the subject may be informed accord-
ingly

Munassamy Lingar

23/11/23.

No. 51.

Summary of Representation.

Withdrawal of the Chief Court Circular regarding particulars to be mentioned in the list of witnesses in criminal cases committed to Court of Sessions.

Mr. B. Narasinga Rao,
Seringapatam Taluk.

The circular of the Chief Court directing that in cases committed to the Court of Sessions the accused should mention, in the list of witnesses, the point which each witness is required to prove in the Sessions Court, works as a hardship, and it is prayed that the said circular, may be caused to be withdrawn.

Sub 2

The present method simplifies work. There is no use of multiplying witnesses without any clear object, wronging the witnesses and delaying the disposal of cases. The hardship complained of is not clear.

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22/5/23
Jm
1885

~~What really is the hardship,~~

~~is not clear.~~ Unless the attempt is to keep certain witnesses in reserve, to depose as circumstances may require, the exact hardship is not apparent. Witnesses for prosecution are also fixed in a similar manner. Work is simplified and manipulation checked. The accused is given latitude in various directions and it is undesirable to extend this further by allowing scope for fabrication of evidence according to requirements. In practice, examination is not usually confined to such points in which the accused is to depose.

2083
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SUBJECT No. 51.

Withdrawal of the Chief Court Circular regarding particulars to be mentioned in the list of witnesses in criminal cases committed to the Court of Sessions.

Mr. B. Narasinga Rao, Seringapatam Taluk

Summary of Discussion.—The Circular of the Chief Court directing that in cases committed to the Court of Sessions, the accused should mention in the list of witnesses, the point which each witness is required to prove in the Sessions, works as a hardship. If the points which the witnesses are required to prove are known to the Police, they will interfere with the witnesses and the accused will not be able to prove his case. It is requested that the Circular which was issued in 1885 and which remained a dead letter may be withdrawn.

Reply of Government.—The Chief Court will be consulted.

Subd under a draft.

Issue

3/10/23.

1. To the Magistrate, hkh
no. 2055 of 8/10/23

For a copy of the Circular for opinion
of the Judge, hkh in the matter.

See A

2. From

The Depr. Chief Court. Letter no. D. O. 524 of 10.11.23
States that the Circular referred to may be withdrawn
and forward for a copy of Circular issued by the
Chief Court in the matter.

Drawn out a draft

Issue

16/11/23

3. To the D. C. Mysore
no. 2721 of 21.11.23

States that the Chief Court have
withdrawn the Circular & requests that
the member that inserted the subject may
be informed of the same

B

SUBJECT.....

Diary No. of letter replied to.....

Section *do*File No. *90-23*Serial No. *1*

General and Revenue Secretariat

()

the

191 . }

No. *P2095/Enc*

Date of issue

8/10/23

To

the High Court

Signed by

M. C. A. S

Sir,

In forwarding herewith a copy of the Summary of discussion and the report of Joint Bureau on subject No 51 of the Birthday Session of R & of June 1923 relating to the withdrawal of the High Court Circular regarding particulars to be mentioned in the list of witnesses in criminal case committed to the Court of Sessions over.

15366

CHIEF COURT OF MYSORE

Telegraphic }
Address. } JUSTICE

Bangalore, dated 10th November 1923.

No. 524/23-24 / an are



A. SREENIVASARAGAVACHARI, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. Nagappa, Esq., Bār-at-law,
Secretary to Government,
Local and Legislative Departments,
Bangalore.

SIR,

I am directed to acknowledge the receipt of your letter No.P.2095/Cts. 90-23-1 dated the 8th October 1923 forwarding a copy of the summary of discussion and the reply of Government thereon on the subject No.51 of the Birthday Session of the Representative Assembly of June 1923, re: the withdrawal of Chief Court Circular regarding particulars to be mentioned ^{by the accused} in the list of witnesses in criminal cases committed to the Court of Session, and requesting to be furnished with the views of the Judges of the Chief Court in the matter.

In reply, I am to state that the circular in question is open to objection, among other things, as involving a restriction on the accused's right to reserve the nature and development of his case till the time of his trial in the Sessions Court, and that it is also unnecessary, because the Proviso to Section 216, Criminal Procedure Code gives sufficient power to the Magistrate to ensure that witnesses are not included in the list given by the accused for the purpose of vexation or delay; and in the circumstances the Judges have no objection to the withdrawal of the said Circular. I am to forward herewith for the information of Government a copy

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copy of the Circular now issued withdrawing the previous
Circular letter.

I have the honour to be, .

S i r,

Your most obedient servant,

Thereminio Dapamcha
REGISTRAR. 10/11/23

TMN/2

7
IN THE CHIEF COURT OF MYSORE AT BANGALORE.

CRIMINAL SIDE.

Circular No.....226.....

dated .../2nd...November 1923.

The Chief Court directs that Circular letter No.57 dated the 17th July 1885, in the matter of the accused being required to mention in ^{his} the List of Witnesses the point which each of ~~his~~ witnesses is required to prove in the Sessions Court, be and is hereby withdrawn.

Sd/ A. Srinivasaragavachari,
REGISTRAR.

To --

The Compiler,

Mysore Gazette.

C O P Y

A. Srinivasaragavachari
REGISTRAR. 10/11/23

SUBJECT

Diary No. of letter replied to

Section

File No.

Serial No.

General and Revenue Secretariat

the

192

No.

Date of issue

To

The Deputy Commissioner, Mysore District.

Signed by

Sir,

With reference to subject No. 51 of Birthday Session of R.A. of 1923 re the withdrawal of the Circular directing that in cases committed to the Chief Court of Sessions, the accused should mention in the list of witnesses the point which each witness is required to prove. I am directed to state that the Chief Court have withdrawn the above circular. The member who mooted the subject may be informed accordingly.

I have etc.

Car

17-11

For I.L.Secy.

Copy to R.A. Section.